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JCWSCS 15 APR 2004



Perkins Smith & Cohen LLP  
Attorneys at Law

## FAX COVER SHEET

Date: April 15, 2004 Client Code: 29830-107

To: Filing Receipt Corrections  
Office of Initial Patent Examination  
USPTO

Fax #: (703) 746-9195

Phone #:

To: \_\_\_\_\_

Fax #: \_\_\_\_\_

Phone #: \_\_\_\_\_

To: \_\_\_\_\_

Fax #: \_\_\_\_\_

Phone #: \_\_\_\_\_

Subject: Application No. 10/669,620  
Second Request for Corrected Filing Receipt

From: Jacob N. Erlich Direct Dial: (617) 854-4281

Assistant: \_\_\_\_\_

Direct Dial: \_\_\_\_\_

Pages: 9, including this cover sheet.

### MESSAGE:

Please see the attached.

*Jacob N. Erlich* 4-15-04  
Reg # 24,338

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JCWS/CS 15 APR 2004

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030589-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daniel B. Roitman, et al.

Serial No.: 10/669,620

Examiner: TBD

Filing Date: September 24, 2003

Group Art Unit: 1641

Title: NEAR-FIELD AND FAR-FIELD ENCODING AND SHAPING OF MICROBEADS FOR BIOASSAYS

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

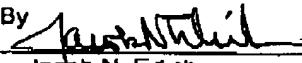
Transmitted herewith is/are the following in the above-identified application:

Response/Amendment       Petition to extend time to respond  
 New fee as calculated below       Supplemental Declaration  
 No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")  
 Other: Second Request for Corrected Filing Receipt; copy of (Fee \$ \_\_\_\_\_)  
Response to Request for Corrected Filing Receipt; copy of original  
Declaration; copy of Filing Receipt; facsimile cover sheet

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESEN T EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		=	X 18	\$
INDEP. CLAIMS		MINUS		=	X 86	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$
EXTENSION FEE	1 <sup>ST</sup> MONTH 110.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 420.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 950.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1480.00 <input type="checkbox"/>	OTHER FEES	\$
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	\$

Charge \$ \_\_\_\_\_ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

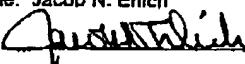
Respectfully submitted,  
Daniel B. Roitman, et al.

By   
Jacob N. Erlich  
Attorney/Agent for Applicant(s)

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date of facsimile: April 15, 2004

Typed Name: Jacob N. Erlich

Signature: 

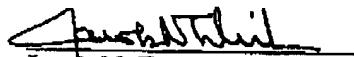
Reg. No. 24,338

Date: April 15, 2004

Telephone No. (617) 854-4000

### CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to: Commissioner for Patents, Office of Initial Patent Examination, Filing Receipt Corrections, facsimile number (703) 746-9195 on this date: April 15, 2004.

  
Jacob N. Erlich  
Reg. No. 24,338

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel B. Roitman, et al.

Group Art Unit: 1641

Application Serial No. 10/669,620

Confirmation No.: 5622

Filed: September 24, 2003

Examiner: TBD

Title: NEAR-FIELD AND FAR-FIELD ENCODING AND SHAPING OF  
MICROBEADS FOR BIOASSAYS

Agilent Technologies, Inc.  
Legal Department, DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

To: Commissioner for Patents  
Office of Initial Patent Examination  
Filing Receipt Corrections  
Facsimile No. (703) 746-9195

### SECOND REQUEST FOR CORRECTED FILING RECEIPT IN RESPONSE TO USPTO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Sir:

In the above-identified application, and in response to the USPTO's Response to Request for Corrected Filing Receipt dated March 8, 2004 (copy enclosed), a corrected filing receipt is hereby requested.

On March 22, 2004, the undersigned, Applicants' attorney, spoke with Examiner Williams of the Customer Service Center of the Office of Initial Patent Examination (OIPE). Mr. Williams explained that, because the instant application is a continuation-in-part of Application Serial No. 10/379,107, filed March 4, 2003 (the '107 application), a copy of the Declaration from the '107 application, per USPTO practice, was placed in the file of the instant application. The Declaration from the '107 application correctly lists Kevin P. Killeen as a joint inventor of the '107 application. However, Mr. Killeen is not an inventor in the instant application, as evidenced by the original Declaration filed on September 24, 2003 with

Application Serial No. 10/669,620 (copy attached). Applicants believe that the OIPE inadvertently referred to the Declaration of the '107 application instead of the Declaration of the instant application when it incorrectly and inadvertently added Mr. Killeen as an inventor in the instant application. Accordingly, Mr. Killeen's name should be removed from the filing receipt in the instant application. In view of the fact that the original Declaration in the instant application (Application Serial No. 10/669,620) is correct, no new Declaration is required.

A copy of the original filing receipt with corrections noted is also attached.

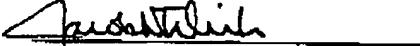
Although no fee is required, the Commissioner for Patents is hereby authorized to charge any deficiencies or to credit any overpayment to Deposit Account No. 50-1078.

The following information is presented in the event that a call may be deemed desirable by the Customer Service Center of the OIPE:

JACOB N. ERLICH (617) 854-4000.

Date: April 15, 2004

Respectfully submitted,  
Daniel B. Roitman, et al. Applicants

By:   
Jacob N. Erlich  
Reg. No. 24,338  
Attorney for Applicants

**COPY**

Page 1 of 2



**UNITED STATES PATENT AND TRADEMARK OFFICE**

THJ  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: 1100 L'Enfant Promenade, SW, Washington, DC 20591-0000  
Telephone: 202-707-3000  
www.uspto.gov

APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE RECD	APPLICANT LEGAL IPATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/669,620	09/24/2003 ✓	1641	1088	10030589-1	11	33	4

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

**CONFIRMATION NO. 5622**  
**FILING RECEIPT**  
  
OC000000011531773

Date Mailed: 12/18/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Daniel B. Roitman, Menlo Park, CA. ✓  
Annette Grot, Cupertino, CA.  
Kevin P. Killeen, Palo Alto, CA. - ✓

delete

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/379,107 03/04/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 12/18/2003

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**Title**

Near-field and far-field encoding and shaping of microbeads for bioassays ✓

**COPY****RECEIVED**

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 16 2004

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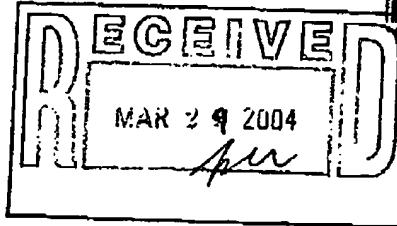
APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/669,620	09/24/2003	Daniel B. Roitman	10030589-1

AGILENT TECHNOLOGIES, INC.  
 Legal Department, DL429  
 Intellectual Property Administration  
 P.O. Box 7599  
 Loveland, CO 80537-0599

CONFIRMATION NO. 6822

0000000012048427

Date Mailed: 03/08/2004



3-29-04 Docketed as Rec'd

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT****Claims, Fees, and Inventors**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16 (e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and

April 5, 2004 DOCKETED

Response to Request for Corrected  
Filing Receipt w/ Petition

spaces combined).

- The inventor's residence allows for up to 40 characters (letters and spaces combined).
- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- The docket number allows a maximum of 25 characters.
- The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

*Ruth - REHLER*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY